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February 16, 2022

Via Email and Regular Mail

Tadd J.P. Bogan, Esq.
Jones, Gotcher & Bogan
3800 First Place Tower
15 East Fifth Street
Tulsa, Oklahoma 74103

Re: GWACS Armory, LLC v. KE Arms, LLC et al.
Case No.: 20-cv-0341-CVE-SH
Our File No. 16075-1

Dear Mr. Bogan:

This letter is in response to your January 25, 2022 letter sent on behalf of GWACS Armory, LLC ("GWACS") regarding "Discovery issues" and February 11, 2022 letter regarding "Depositions & Discovery." Your letters raise a litany of issues and to appear to overlap, but we try to address all of the issues in turn.

First, we reject your repetitive and inaccurate assertions that KE Arms, LLC ("KEA") has somehow "failed to cooperate in discovery." Not only is this tired allegation false, it is disingenuous in light of your own clients' blatant refusals to respond to KEA's first and second requests for production. Case in point: your clients have literally objected to every single one of KEA's second set of interrogatories; and flat out refused to produce its own CAD/CAM files related to the CAV-15. Amazingly, GWACS claimed that these CAD/CAM files were "highly relevant" in this case in its own meritless motion to compel (Dkt. 78).

Second, we do not currently represent "M&B Mfg." and cannot speak on its behalf. It is our understanding that Jovan Beltran is an employee of M&B who worked on project basis for KEA. Mr. Beltran's involvement with the KP-15 was not only extremely limited, but it was subject to the direction of KEA's internal design team. This is evident from the Moldworx, LLC emails you reference in your letter. We fail to see what information you believe Mr. Beltran would have that you don't already have with the existing testimony and documents in discovery. You already deposed KEA's 30(b)(6) deponent, Mike Kenney, as well as Russell Phagan, who led and controlled the development and design of the KP-15. KEA has responded to numerous interrogatories pertaining to development and design of the KP-15.



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In addition, your clients have already have obtained all of the emails, design files, and documents from each of KEA's vendors, suppliers, and engineers, including Moldworx, Randy Sperry and MDI. At this point, your clients have obtained exhaustive information and details on the development and design of the KP-15; and all of this information evidences the same thing: that the KP-15 was designed and developed using KEA's aluminum billet receiver. Your own expert concedes this. As such, we fail to see how deposing Mr. Beltran is necessary or proportional to the needs of the case. *See* FRCP 26(b)(1).

Third, we object to your opaque "demands" for documents via letter. My clients have already produced the documents in their possession and control which fall within the scope of FRCP 26(a)(1). Similarly, my clients have already produced their documents that are responsive to your clients' previous written discovery requests under FRCP 34. If you feel that my clients have not properly responded to any of your clients' written discovery requests, then please advise, and we will be happy to address the same in a meet and confer. Otherwise, your clients should make any additional discovery requests they may have pursuant to FRCP 34(b)(1), and my clients will respond in kind per FRCP 34(b)(2).

Fourth, with respect to your inquiry regarding the Tenth Supplement Disclosures, it is our understanding that Alisha Swindle, Brad Pace, and Tim McBride are all people who worked at both Cavalry Arms Corporation and KEA. We have not made contact with these persons and do not have phone numbers yet. However, we believe they all live in or around Phoenix, Arizona.

Finally, we are not authorized to permit you to contact Mr. Kenney. However, we are advised that Tool & Design Group, LLC has retained counsel that will be reaching out to your offices regarding the subpoena. Should you have any questions, please let us know.

MARQUIS AURBACH

/s/ Alexander K. Calaway

Alexander K. Calaway, Esq.

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